

Heber Creeper Rolling Stock To Be Sold To Out-of-State Buyers

2-6-91

The owner of the Heber Creeper Railroad, Lowe Ashton, reports he is discussing the sale of his rolling stock with prospective out-of-state buyers and expects the sales to be completed by the middle of next month.

In a Jan. 28 memo to the Utah Department of Transportation (UDOT), he lists 12 companies and individuals who "have expressed an interest in either acquiring the entire company as an operating entity, or major portions of the asset base for transfer to out-of-state lines."

Ashton says, "A sizeable portion of the commercial rolling stock will be moved out of Utah by May, if we are unable to sell it to the State of Utah as contemplated by the 1990 State Legislature, or to some third party that would be interested in operating at the present Heber site...With some modifications, most of the sold equipment should be in operation on these new lines or on display in museums in neighboring states by the end of July."

The State Legislature last year appropriated \$1.6 million to buy and rehabilitate the railroad. Clint Topham, UDOT planning director, says it is still in UDOT's coffers and there are no plans so far to ask the Legislature to take any action

regarding the appropriated money during this session.

Ashton reports that the major historical cars will be restored and put on public display in the state, including a business car used by Kennecott's founder, a Utah Central Commuter Car, and two Saltair cars.

Ashton put the stock up for sale because negotiations for selling it to UDOT came to a halt last October after he turned down their offer to buy the rolling stock and everything required to continue the operation for \$1,130. Now the State wants about \$200,000 off the top of what he is paid for the equipment to satisfy its claims for past due sales taxes, lease payments, and other miscellaneous expenses.

\$138,000 of the money is to satisfy a tax lien on the railroad unpaid sales taxes that Ashton has been disputing for several years. UDOT also claims Ashton still owes money for back lease payments, although he has paid all the lease money due except for a portion he disputes.

Heber City has also served a tax lien on the railroad claiming \$14,710 for property taxes dating back to 1983, which Ashton says are not his responsibility because

he didn't own the railroad at that time.

In a Dec. 3, 1990 letter to Ashton's attorney, the attorney hired by the State, Ronald G. Moffitt, of the law firm of Van Cott, Bagley, Cornwall & McCarthy, claims Ashton is in default on the lease and owes the full amount claimed by the state. He says further that Ashton also owes \$6,676 to UDOT for transporting railroad ties and three cars to the terminal grounds, which would have been repaid to UDOT from the appropriated money if the sale had taken place.

The railroad right-of-way is owned by UDOT and the State Division of Parks and Recreation (DPR), who Ashton claims have not lived up to the lease agreement. Those agencies, in turn, say he has not lived up to the agreement.

In his letter, Moffitt quotes a third party's claims that three of the Creeper's engines and one owned by the state need repairs in order to be in safe condition. Moffitt forbids any operation of the railroad until it is judged to be safe according to a UDOT inspection.

Moffitt's letter goes on to say that UDOT and the DPR are "irritated" that Ashton has refused to pay the amounts he has disputed, pointing out that the agencies have

not added interest or penalties for three years.

Finally, referring to a request by Ashton to reestablish a working relationship with his landlords, Moffitt says, "Please be advised that until the transportation costs, past due lease payments, and above all, until UDOT has had an opportunity to inspect the rolling stock and track and assure that they are safe for use, UDOT and DPR will not participate in any discussions regarding the Lease Agreement..."

"Failure to maintain [itemized] safety standards shall be cause for cancellation of this Lease."

An inspection was scheduled before the end of the year but the results have not been made public. In the meantime, the engines and cars have been lying idle in the railroad yard since the end of October, along with about 125 railroad ties purchased by the state two years ago to repair the track.

After he received Moffitt's letter, Ashton wrote to Rep. Glenn Brown asking why the State has refused to discuss the reasons his counter offers have been unacceptable. Ashton holds Brown responsible for the State making an offer he considers unreasonable and for blocking any further negotiations.

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Let

Letters To The Editor is a column of opinion. Letters To The Editor are to be received by MONDAY NOON, and must bear the address of the writer. Names may be limited to one letter in two letters. Preference will be given to spaced letters permitting the use of subject to condensation. Mail to: E CITY, UT 84032.

think Brown only hoped his position might speed up the legal process to save him a few bucks in storage fees, possibly get somebody else to do his leg work, and generally make his life a little easier. Brown may have overestimated his own importance, but we wouldn't accuse him of trying to blackmail anybody.

However, he definitely was out of line trying to lay responsibility for getting his family home at the feet of the officer. Maybe his presence in the Legislature was more important than getting his wife, daughter, and grandson home safely. But, in the same circumstances, none of the rest of us would have even thought to ask for the officer's help, except maybe to get change for a dollar so we could make a few phone calls.

We're probably not the only ones in the county who have had car trouble while taking care of business on the Wasatch Front and found ourselves stranded on a cold winter day, 50 miles from home. We just stepped into a nearby warm place, used the phone, and took care of things like grownups.

And we might add that if we found ourselves in such a predicament because of somebody else's negligence, it would have been a while before we'd have let him forget it!

Brown was guilty of not paying his property taxes for nine months, not an uncommon mistake. But, like any other mature, honest and forthright citizen, he should have faced up to it, paid the price, and seen to it that his family got home safely.

We worry just a little about being represented by a legislator so negligent that he forgets to pay the taxes on his car for nine months, and may have gone much longer if he hadn't been caught. We have to wonder what he might be forgetting about in the Legislature and if he might be successfully using his position to avoid taking responsibility in other, more important matters.

Dear Editor: To Whom It May Concern: Little things we can do to save the earth...our earth!

If you are concerned about saving our earth, you are probably wondering what you can do. First you should understand why the earth is in trouble before you try to nurture her back to health.

Have you ever wondered where garbage went after the garbage collectors collected it? Did you think it would just disappear? Wrong, most of it goes into landfills but the EPA (Environmental Protection Agency) has estimated that in the next five to ten years more than twenty-seven states will run out of landfill space, but landfill spaces also cause problems. The groundwater and drinking water supply can be contaminated by some of the hazardous waste mixed with the trash. A lot of landfill space can be spared if we just recycle. Also a few little things you can do that add up to a lot are: using a cloth towel instead of paper towels, turning off

the lights when you leave a room, turning off the water when you brush your teeth, and using a carpool. The earth's atmosphere is made up of a certain amount of greenhouse gases. These gases are what make up the temperature of the earth. The more gases, the hotter the earth. The less gases, the colder the earth. Any aerosol spray can that does not say, "Ozone Safe", on it increases these gases causing the temperature to rise. Scientists predict that the temperature will have increased anywhere from three to 10 degrees by the end of the century. The burning of fossil fuels (such as gasoline and coal) also cause a build-up of greenhouse gases. Simply by carpooling or using a pump spray can you help save our earth.

Did you know that the oxygen you breath in comes out as carbon dioxide? Did you know that trees turn the carbon dioxide back into oxygen? So tell me, "Are trees important"? The Amazon Rain Forest is one of our major supplies of oxygen and ranchers are burning it down for ranch land. And most of

Creeper...

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He expresses appreciation to the Heber Valley Chamber of Commerce, the Wasatch County Commission, Heber City and the citizens who have supported the railroad. He also compliments Eugene Findlay, UDOT director, "for his perseverance in trying to negotiate an agreement between the parties. He doesn't know how many cars and locomotives will remain in Utah, but it will be enough to "service the needs of the community."

*** CURREN

- \$ 49,000 - SPACIOUS Family home,
- \$ 56,000 - HEBER, Remodeled cottage
pliances. 1/2 ac.
- \$ 69,000 - KAMAS, Cute cottage 1.4
- \$ 69,000 - MARION , Nearly 2 ac. 4
- \$ 78,900 - HEBER, Sale failed - large
- \$ 89,900 - HEBER, 1938 2-story CLA
- \$ 89,900 - KAMAS , LARGE 2-Story
- \$100,000 - 1898 Brick 2-story, 4 bdrm
- \$115,000 - MIDWAY, 4-PLEX, Good
- \$149,000 - MIDWAY, 1 ac. with spaci
home. EXTRAS GALORE!
- \$152,000 - MIDWAY, Golf course 3-4
able. (\$95,000)
- \$158,900 - CENTER CREEK, Custom

HEBER VALLEY HOME COMMERCIAL PROPERTY

Sherry Sawdey- 654-2976 Broker A
Winnie Sutera- 654-2098
Darlene London- 654-3902

